

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE FISH, WILDLIFE AND PARKS COMMITTEE

Date: Tuesday, February 17, 2009
Place: Capitol

Time: 3:00 pm
Room: 152

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 314, HB 434, HB 585

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

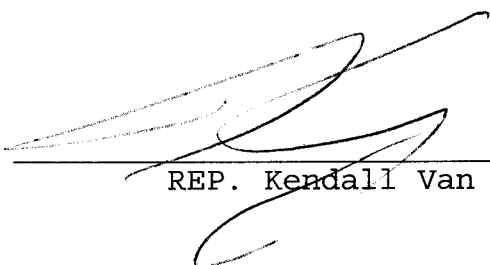
HB 42 DPAA _____

HB 443 P _____

HB 15 DPAA _____

HB 527 TABLED _____

COMMENTS:



REP. Kendall Van Dyk, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
FISH, WILDLIFE, & PARKS COMMITTEE

DATE: 2-17-09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
Vice Chair McAlpin		X
Vice Chair Hendrick	X	
Representative Barrett	X	
Representative Beck		X
Representative Boland	X	
Representative Boniek	X	
Representative Calf Boss Ribs	X	
Representative Cohenour		X
Representative Milburn		X
Representative Miller	X	
Representative O'Hara	X	
Representative Peterson	X	
Representative Phillips		X
Representative Pomnichowski		X
Representative Smith	X	
Representative Washburn	X	
Representative Welborn	X	
Chairman Van Dyk	X	



HOUSE STANDING COMMITTEE REPORT

February 18, 2009

Page 1 of 4

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **House Bill 42** (first reading copy – white) **do pass as amended.**

Signed: _____

Representative Kendall Van Dyk, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "ESTABLISH" through "ADDRESSES"

Insert: "ADDRESS"

2. Title, line 7 through line 8.

Strike: "LANDS" on line 7 through "INTERESTS" on line 8

Insert: "CERTAIN LANDS"

Strike: "AND" on line 8

Insert: "ESTABLISHING A FOREST MANAGEMENT SPECIAL REVENUE
ACCOUNT;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "87-1-201"

Insert: "AND 87-1-601"

Following: "MCA" on line 8

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 19.

Strike: "establish" through "addresses"

Insert: "address"

4. Page 2, line 20.

Strike: "for lands and property interests"

Insert: "giving priority to forested lands in excess of 50
contiguous acres in any state park, fishing access site, or

Committee Vote:

Yes 17, No 1

Fiscal Note Required ☐

HB0042001SC.hjd

wildlife management area"

5. Page 3.

Following: line 2

Insert: "NEW SECTION. Section 2. Forest management account.

(1) There is a special revenue account called the forest management account to the credit of the department of fish, wildlife, and parks.

(2) The forest management account consists of money deposited into the account from forest management projects undertaken pursuant to 87-1-201(9)(a)(iv) and from any other source. Any interest earned by the account must be deposited into the account.

(3) Except as otherwise directed by state or federal law, funds from the forest management account must be used by the department to implement forest management projects that may result pursuant to the provisions 87-1-201(9)(a)(iv)."

Insert: "Section 3. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) (a) Except as provided in subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

(i) the general license account;

(ii) the license drawing account;

(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and

(iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all

money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in [section 2] and section 2(3), Chapter 560, Laws of 2005, money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the collection of license drawing applications is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.

(9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching

funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) Any money deposited in the special revenue account is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs.""

Insert: "NEW SECTION. **Section 4. Codification instruction.**
[Section 2] is intended to be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [section 2]."

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2009."

- END -



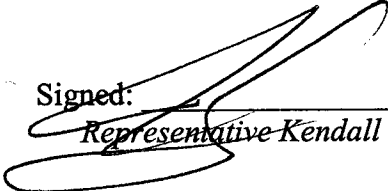
HOUSE STANDING COMMITTEE REPORT

February 18, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **House Bill 443** (first reading copy – white) **do pass**.

Signed: 

Representative Kendall Van Dyk, Chair

- END -

Committee Vote:

Yes 10, No 8

Fiscal Note Required ☐

HB0443001SC.hjd



HOUSE STANDING COMMITTEE REPORT

February 18, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** recommend that **House Joint Resolution 15** (first reading copy – white) **do pass as amended.**

Signed: _____

Representative Kendall Van Dyk, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "EVALUATE"

Insert: "THE FEASIBILITY OF AND"

2. Page 1, line 28.

Following: "evaluate"

Insert: "the feasibility of and"

- END -

Committee Vote:

Yes 17, No 1

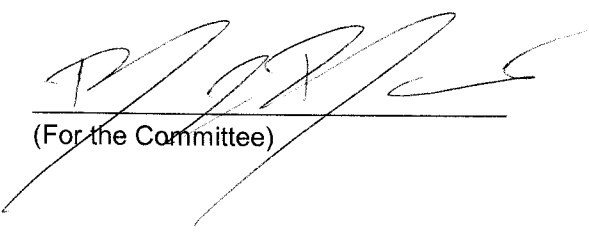

Fiscal Note Required ____

HJ0015001SC.hjd

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE FISH, WILDLIFE AND PARKS COMMITTEE** TABLED **HB 527**, by motion, on **Tuesday, February 17, 2009**.


(For the Committee)
(Chief Clerk of the House)
(Time)2/17
(Date)

March 19, 2009

Bryce I. Bennett, Secretary

Phone: 406-546-3629

HOUSE OF REPRESENTATIVES
Roll Call Vote
FISH, WILDLIFE, & PARKS COMMITTEE

DATE 2-17-09 BILL NO HB 443 MOTION NO. _____
 MOTION: DO PASS

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Vice Chair McAlpin	2 P		✓
Vice Chair Hendrick		1	
Representative Barrett	3		
Representative Beck	4		
Representative Boland	5		
Representative Boniek		2	
Representative Calf Boss Ribs	6 P		✓
Representative Cohenour	7		
Representative Milburn		3 P	✓
Representative Miller		4	
Representative O'Hara	8		
Representative Peterson		5	
Representative Phillips	9		
Representative Pomnichowski	1		
Representative Smith		6	
Representative Washburn		7	
Representative Welborn		8	
Chairman Van Dyk	10		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Fish, Wildlife, and Parks

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. J. J. Parnichowski

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 42 DO PASS	X	
HB 443 DO PASS	X	
HB 527 TABLE	X	
HJ 15 DO PASS AND	X	
AND HJ 001501. ahs	X	

BILL/AMENDMENT

AYE NO

Rep. Steve Bass Rhs
(Signature)

Date _____

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the House Fish, Wildlife, and Parks

Committee because of other commitments. I desire to leave my proxy vote with:

Rep JP Pommichon

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB42 DO PASS	X	
HB443 DO PASS	X	
HB527 TABUE	X	
HJ15 DO PASS AND	X	
AND HJ001501-als	X	

BILL/AMENDMENT	AYE	NO

Rep. Dave McLaughlin
(Signature)

Date _____

AUTHORIZED COMMITTEE PROXY

I request to be excused from the FWP

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Millman

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB-42	✓	
HB-443		✓
To Table		✓
HB-527		
Amendment	✓	
HJ001501-QSH		
HB-525		

BILL/AMENDMENT

AYE NO

Rep. Norden Retlandick
(Signature)

Date 2-17-09

**Montana House of Representatives
Visitors Register**

FISH, WILDLIFE, AND PARKS COMMITTEE

Date 2-17-09

Bill No. HB 314

Sponsor(s) Chairman Van Dyk

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
CHAD EVANS	SELF		X	
RUSSELL MILLER	TURNER ENTERPRISES		X	
Dean Johnson	MOGA		X	
Tom Hougren	MSG A		X	
Collier	Self		X	
Bob Sch	Malison Valley Re.		X	
RED Kocals	RE Broken		X	
John Sully	Self		X	
JEFF Klein	Self		X	
Chuck Penock	UPOM		X	
MARK Robbins	Self, UPOM		X	
Robert H. Goffewa	Self		X	
Bette L Goffewa			X	
Deanna Robbins	Self - UPOM		X	
Don Welch	Self - UPOM		X	
John Gibson	Billing/Robson	X		
Ron Shann	Self		X	
CHARLIE JOHNSON	Self	X		
Greg Munter	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Jim Espy Self X
HUGO TURECK SELF X

**Montana House of Representatives
Visitors Register**

FISH, WILDLIFE, AND PARKS COMMITTEE

Date _____

Bill No. HB 314

Sponsor(s) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Bill Orsell	Helena Hunters	✓		
Kelly Flynn	Self		✓	
Clayton FISCH	FISCAS Realty		X	
MA MINARD	MIGA		X	
Richard Iversen	Self		X	
Chris Marchman	MWF	X		
Jack Ross	Self		X	
Maurice Davey	Stillwater County Commissioner		X	
Nicole Rolf	Montana Farm Bureau		X	
Aerie Reilly	MT Wool Growers		X	
Ariel Westheer	MT Cattlewomen MT Stockgrowers		X	
Chuck Rein	Self		X	
Ty Wells	Self		X	
Ken McInnis	MFWP			X
Lorena Petter ⁴³⁴	Myself Physical Therapist	✓		
Bob Butler	SELF		X	
George Golio	MWF	X		
Sam Connolly	Self		X	
Joe Roberts	MT. Horse Realtors		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

FISH, WILDLIFE, AND PARKS COMMITTEE

Date 2-17-09

Bill No. HB 434

Sponsor(s) REP. WILMER

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
JASON TOUNSLEY	SELF		X	
VINCENT BURNS	SELF		X	
Brennan Burns	SELF		X	
Jim Gappa	MLBA		X	
Bob Gibson	Self + Son	✓		
Bill Lewis	Self		+	
Steve Kamps	self/MLBA		X	
GARY CARVAJAL	SELF		X	
CHARLIE JOHNSON	SELF		✓	
Cerey Mowbray	SELF SELF		X	
Ryan Jennings	self	✓		
Cheryl Stevenson	Self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives Visitors Register

FISH, WILDLIFE, AND PARKS COMMITTEE

Date 2-17-09

Bill No. HB 585

Sponsor(s) REP. McCLAFFERTY

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.